

**AGENDA OF THE LEE COUNTY BOARD**

JANUARY 18, 2005

9:00 a.m.

**3<sup>RD</sup> FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE  
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

PUBLIC/VISITOR COMMENT:

A. ITEMS ON THE AGENDA - VISITORS ALLOWED 10 MINUTES

B. ITEMS NOT ON THE AGENDA - VISITORS ALLOWED 5 MINUTES

1 Resolution - Joseph Meyer - Tax Auction (roll call)

TO ZONING BOARD:

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TO PLANNING COMMISSION: 05-PC-45 - Greenwood - Nachusa Twp

FROM ZONING BOARD: 04-P-1399 - Weber - Sublette Twp  
04-P-1400 - Kitzman - Dixon Twp

FROM PLANNING COMMISSION: 04-PC-44 - Kitzman - Dixon Twp., 2 lot Subdivision

REPORTS OF COMMITTEE:

911 BOARD

ADMINISTRATIVE SERVICES

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE

COMMITTEE CLAIMS

COUNTY PROPERTIES

R.C.&D. - BLACKHAWK HILLS

COUNTY SERVICES

FINANCE

CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS

Resolution - County Maintenance from MFT

Local Agency Agreement - County Highway & IDOT - Eldena Road

Resolution - County Highway - Bridge Replacement on Eldena Road

Ordinance - No Smoking Policy

Resolution - Union Contract - Operating Engineers Local #150 (highway department)

Ordinance - Health Department - Sewers & Sewage Disposal (hold until Feb)

Ordinance - Health Department - Discontinuance of Home Health Service

Ordinance - Highway Department - Altered Speed Zones

Ordinance - Hotel/Motel Tax - City of Dixon & County of Lee (hold until Feb)

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY  
**ZONING BOARD OF APPEALS**  
TELEPHONE 288-3643      LEE COUNTY COURT HOUSE  
DIXON, ILLINOIS 61021

ZONING REPORT FOR DECEMBER 2004

There were a total of 8 permits issued for the month of December with a total dollar volume of \$684,972. There were 3 permits issued for single-family homes in the amount of \$549,172.

There are 2 petitions for the County Board to take action on:

1. 04-P-1399, Ronald Weber  
Petitioner is requesting PPN #19-22-09-484-009, Sublette Township be rezoned from C-2, General Commercial District to R-2, Single Family Residential. The property is commonly known as 205 Pennsylvania Avenue, Sublette, Illinois.
  
2. 04-P-1400, Steven Kitzman  
Petitioner is requesting PPN #07-02-14-351-022, Dixon Township be rezoned from R-1, Country Home District to R-2, Single Family Residential to build 3 homes. Property is located on the west side of Grand Detour Road approximately a ¼ mile south of Mile Road. There is 3.2 acres in the parcel.

The Lee County Zoning Board of Appeals voted unanimously to recommend approval of the above referenced petitions.

2004 Zoning Summary

253 Total building permits - \$18,061,401  
60 Single family homes - \$9,983,639  
14 Petitions filed  
13 Petitions approved by County Board  
2 Petitions filed in 2004; to be acted upon 2005  
1 Petition denied by County Board  
0 Petitions filed and withdrawn

Respectfully submitted,

*Chris Henkel*

Chris Henkel  
Zoning Administrator

## LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman  
Craig Buhrow, Member  
Mike Pratt, Member  
Gene Bothe, Member  
Tom Fassler, Member

Chris Henkel, Zoning Officer  
Erica Scheidecker, Clerk

The Lee County Zoning Board of Appeals met on Thursday, January 6, 2005 at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and the clerk Erica Scheidecker called roll. The following members were present: Ron Conderman, Craig Buhrow, Mike Pratt, Gene Bothe, and Tom Fassler.

Chairman Conderman asked if anyone had changes or corrections for the November meeting minutes. There were not and Gene Bothe moved to approve and Mike Pratt seconded the motion. All were in favor and the minutes were approved.

The first hearing was for Petition 04-P-1399 by Ronald Weber. Mr. Weber was requesting PPN #19-22-09-484-009, Sublette Township be rezoned from C-2, General Commercial District to R-2, Single Family Residential. The property is commonly known as 205 Pennsylvania Avenue, Sublette, Illinois.

Chairman Conderman asked if the proper paperwork had been completed and Chris Henkel stated that the certificates had been turned in and the appropriate neighbors had been notified. Mr. Conderman asked that those wanting to speak during the hearing be sworn in.

After being sworn in, Ronald Weber stated he was requesting the change in zoning in order to build a garage for his handicapped wife. The zoning change will allow him more space on his lot to build. Chris Henkel showed the Board the location of the property in the plat book. The area was previously Boston's Garage, which is why it had been zoned commercial. Chris Henkel stated that a change in zoning from C-2 to R-2 will increase the rear setback from seven feet to fifteen. His backyard is currently R-2 zoning and Mr. Weber wants to rezone everything else R-2. A motion to approve Petition No.04-P-1399 was made by Tom Fassler and seconded by Craig Buhrow. It was unanimously approved. Chairman Conderman announced it will go before the Lee County Board on January 18 at 9:00 a.m. with a recommendation for approval.

The second hearing was for Petition 04-P-1400 by Steven C. Kitzman. Mr. Kitzman was requesting PPN #07-02-14-351-022, Dixon Township be rezoned from R-1, Country Home District to R-2, Single Family Residential. Property is located on the west side of Grand Detour Road approximately a ¼ mile south of Mile Road.

Mr. Conderman asked that all those wanting to speak during the hearing be sworn in and they were.

Gary Gehlbach, Steven Kitzman's attorney, spoke first on behalf of the petition. Mr. Gehlbach stated his client purchased the 3.2 acre site planning to build three homes on approximately one acre lots. He stated that the LESA score was 163 and that the area is not prime farmland, but it is suitable for residential. Currently, it is zoned as R1 so only one home can be built. Mr. Gehlbach stated that at the hearing before the Planning Commission on January 3<sup>rd</sup> earlier in the week there were about twelve neighbors objecting to the three lot subdivision. In response to those concerns, Mr. Kitzman has changed the plan to build two homes on lots approximately 1.6 acres in size. The individuals who had opposed the three lot subdivision were satisfied with the two lot compromise. The two lot subdivision was approved by the Planning Commission. Mr. Gehlbach stated they had not had a chance to rewrite the plans since Monday. The homes would be approximately 1600 square feet and ranging in price from \$160,000 to \$200,000. Mr. Gehlbach stated that other subdivisions located outside of Dixon do not permit homes that small and in that price range.

The petitioner Steven Kitzman stated his goal in purchasing the property was to build quality construction at an affordable price.

Mike Pratt asked if that size of home was consistent with others in the area and Steven Kitzman replied he believed it was based on his own observations. Mr. Pratt inquired as to whether he planned to build the first home, sell it, then build and sell the second home. Mr. Kitzman said that was his plan. Mr. Kitzman said he is not going to reside there.

Mr. Gehlbach stated there was drainage issue on the property. He said they hope by splitting the lots into two that this will be addressed, as the water will run between the two lots.

Mike Pratt asked if the Planning Commission had approved the two lot subdivision and Mr. Gehlbach reported that they voted six to one to recommend to Lee County Board.

The first neighbor who spoke was Neil Petersen residing at 2112 Grand Detour Road, located east to this tract. Mr. Petersen stated he is opposed to rezoning from R-1 to R-2. Mr. Petersen stated there was currently no R-2 zoning on Grand Detour Road from IL Rt. 2 to Mile Road. If this petition passed, it would set a precedent for other lots to be subdivided and rezoned. Mr. Petersen stated that all lots are required to be two acres or larger, however there are exceptions due to selective deeding of property probably prior to current zoning laws. Mr. Petersen submitted a document signed by neighbors stating that they are opposed to the change in zoning. He also presented a picture documenting drainage problems. Mr. Peterson said at one point embedded railroad ties were dislodged by flooding.

Chairman Conderman asked how far away those who signed the petition reside. Mr. Petersen gave the addresses and the majority of the signers were adjacent landowners.

Mr. Petersen stated that when he purchased his land 25 years ago he did so knowing it was zoned as R-1 and wouldn't turn into a subdivision like White Oaks and White Rock. He purchased acreage to protect himself from a subdivision. He stated the change from R-1 to R-2 will open the door to small tract subdivisions.

Chairman Conderman asked about the lots smaller than two acres. Mr. Petersen stated that heirs of an estate selectively carved out five acre lots and left fragments. The fragments are those lots smaller than two acres. Mr. Petersen said that shouldn't have happened, but it did. Chris Henkel stated he didn't know the dates that took place, probably prior to the Plat Act.

The second neighbor who spoke was Sally Beauford residing at 2100 Grand Detour Road. Ms. Beauford stated she concurred with everything Neil Petersen had said. Additionally, she stated that she did not agree with Steven Kitzman's earlier statement that the new homes will be comparable sizes to the existing homes. There is a mix of home sizes and many are larger than what Mr. Kitzman's planning to build. Ms. Petersen believes this change would alter the character of the area. She also stated that her stance was not that it was farmland, as stated by Mr. Gehlbach, but that it should remain R-1 zoning.

Ms. Beauford asked the committee that since the Planning Commission recommended two lots, and if the Zoning Board approved the change in zoning, if this meant Mr. Kitzman would be limited to building no more than two homes. Chairman Conderman replied that yes, they would be limited to no more than two homes. Mike Pratt asked how long she had lived at the residence, and Ms. Beauford stated it had been 4 ½ years and she was the newest resident. She closed saying she wanted to maintain the area for what she had originally purchased the home for, as R-1 zoning.

The third neighbor who spoke was Tom Walter residing at 2118 Grand Detour. Mr. Walter stated his property is located across the road. He was concerned if the area changed to R-2 that the five acre area behind Mr. Kitzman's property would eventually become a subdivision. He stated even though Mr. Kitzman has said he won't develop it, someone else might.

Mr. Henkel reported in the locality there are AG-1, R-1, and R-2 zones. The Board referred to the plat book and Mr. Conderman observed there were several residential homes in the area. Mr. Henkel observed there were parcels smaller than two acres located in R-1, but that it hadn't been done in the ten years he has worked in zoning. After studying the plat book, it was observed in the adjacent property there was conflicting zoning. Chris Henkel exited the meeting to search for earlier documentation as to whether the correct zoning was R-1 or R-2.

The fourth neighbor that spoke was Allan Polivka residing at 2114 Grand Detour road, directly across the street. Mr. Polivka stated he is opposed to the change in zoning. He is concerned about the issue of drainage. The water currently passes through the middle of Mr. Kitzman's property and ends up on his own. Mr. Polivka stated if homes are put in,

there would be less ground for the water to drain and the severity of the problem will increase.

Mike Pratt stated that many engineers have told the Board that homes have less runoff than on farmland. The landscaping absorbs more water.

Allan Polivka stated his other concern was to maintain the area as it was when he bought it 13 years ago, and having two houses sitting across the road would be a distraction, as well as increased traffic. Gene Bothe asked the size of his property and Mr. Polivka replied that it was almost five acres.

Gary Gehlbach made a closing comment and reported that the petition from the neighbors opposing the change in zoning was dated December 30, 2004. Since then, several people who signed the petition have told Mr. Gehlbach and Mr. Kitzman that they did support two homes being built instead of the three that Mr. Kitzman had originally planned. Mr. Gehlbach stated there had been a concern about the five acre area behind Mr. Kitzman's property being subdivided in the future, but that Bill O'Keefe, the Planning Commission chairman, had stated this was unlikely as there was not enough frontage. He stated that the Planning Commission had dealt extensively with the implications as to whether the property should be one, two, or three lots. They had voted six to one to approve two lots. He asked that the Zoning Board concur with their recommendation.

Chris Henkel reported he had found an earlier map from the 1960's which shows the area adjacent is zoned R-1. He said to disregard the R-2 zoning mistakenly shown in the plat book.

A motion to approve Petition 04-P-1400 was made by Mike Pratt and seconded by Gene Bothe. It was unanimously approved. Chairman Conderman announced it will go before the Lee County Board on January 18 at 9:00 a.m. with a recommendation to approve.

Chairman Conderman asked if there was any old business. He reported the Nelson Power Plant was going to complete two units at this time.

Mr. Conderman announced there will be no Zoning Board of Appeals held in the month of February.

Chris Henkel reported on the status of the windmills. He stated they were progressing and the developer would be applying for zoning permits in either April or May. Mr. Henkel said there will be 27 windmills and they will be 260 feet or higher in height.

Tom Fassler made a motion to adjourn the meeting and Gene Bothe seconded. The meeting was adjourned at 7:52 p.m.

## LEE COUNTY REGIONAL PLANNING COMMISSION

William O'Keefe, Chairman  
Bob Logan, Member  
Wendy Ryerson, Member  
John Hilleson, Member  
James Book, Member  
Ellen Smith, Member  
John Schmidt, Member

Chris Henkel, Zoning Officer  
Erica Scheidecker, Clerk

The Lee County Planning Commission met on Monday, January 3, 2005 at 6:30 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman, William O'Keefe, called the meeting to order and took roll with the following members present: Bob Logan, Wendy Ryerson, James Book, Ellen Smith, John Schmidt, John Hilleson, William O'Keefe, Chris Henkel, and Erica Scheidecker, Clerk.

Chairman O'Keefe asked if there were any comments or corrections to last month's minutes. There were none, and Mr. O'Keefe moved and it was seconded by Wendy Ryerson. All were in favor for December's minutes to be approved.

Chairman O'Keefe inquired if there were any visitors in the room who were present to make comments on items not appearing on the agenda. There were not.

Chris Henkel stated that there was no report of action by the County Board to present to the commission.

The first new business addressed was the Sketch Plan Review from Gary Greenwood. Chris Henkel stated that Mr. Greenwood wanted to build a log cabin on his property and asked the commission to refer to the sketch "Proposed Lot and Log Home Layout." The sketch had previously been reviewed by the committee, and was now being resubmitted with the recommended revision. The sketch shows the change in the lot line extending from the roadway all the way to the back. Mr. Henkel pointed out that Lee County requires a minimum lot width of 130 feet and Greenwood's proposed width was 160 feet. Mr. Henkel reported that the sketch committee did not find any issues regarding the subdivision. Previously, there was discussion regarding having a second driveway on the existing parcel, as there is an existing one. Russ Renner, the highway commissioner, did not have issue with that.

Chairman O'Keefe stated he feels this parcel should be defined as a two lot subdivision, as opposed to a one lot subdivision. Chris Henkel reported that the previous decision of this committee was to call it a one lot subdivision, although he did not concur. Mr. O'Keefe stated that once you subdivide a five acre piece, it is two lots. The committee agreed that this five acre parcel should be considered a two lot subdivision.

Gary Greenwood said that he would continue to reside in the original home and another party would live in the log cabin. He also stated he would name it Zimmerman's Subdivision. Chris Henkel said he would consult Lee County 911 to make sure this was acceptable.

James Book inquired as to whether the log cabin would have a separate well and septic system, and Mr. Greenwood replied that it would. Mr. Henkel reported that it had passed LESA, scoring less than 225. Chairman O'Keefe stated that the commission did not see any problems with the proposal and that Mr. Greenwood could proceed to the next step of the preliminary plat hearing.

The second new business was the hearing for Petition 04-PC-44 by Steven C. Kitzman. The purpose of the Petition was to ask the Lee County Board to approve the Plat of Subdivision of the property, being part of the Southwest One-Quarter(SW1/4) of Section 14, Township 22 North, Range 9 East of the 4<sup>th</sup> P.M. Dixon Township, Lee County, Illinois, as Oak Wood Hills, and to approve such Plat in all respects. The property's permanent real estate index number is 07-02-14-351-022, Dixon Township. The property is located on the West side of Grand Detour Road approximately ¼ mile south of Mile Road.

The witnesses were sworn in and Steven Kitzman's attorney, Gary Gehlbach, made a brief presentation. Mr. Gehlbach stated that the site, totaling 3.2 acres, would become a three lot subdivision, with lot sizes of approximately 300 x 156 feet. He noted that there were single family residences in the area with larger lot sizes. Mr. Gehlbach stated that they were petitioning for the zoning to be changed from R1 to R2. The resource reports show that only 16% of the land is inappropriate for well and septic, and based on this data he felt the area would be suitable to support the three new systems. He added that they were planning to retain much of the wooded area.

Steven Kitzman, the developer, stated that it was not his intention to disrupt the beauty and seclusion of the area. Mr. Kitzman said they were planning to build 1500 to 1600 square feet homes with three car garages in hopes of targeting first time home buyers and retirees. The home selling price would be about \$169,000 to \$200,000.

James Book inquired as to whether there would be three separate driveways for the three lots and Mr. Kitzman replied there would. Chris Henkel reported that the plans had been sent to the sketch committee, which included Russ Renner. Mr. Henkel stated that Mr. Renner had a problem with the first driveway being too close to the "L" shaped road. Mr. Renner's proposed solution is a shared driveway between lot two and three. Ellen Smith observed that the plans looked similar to what is currently in the area, except for the smaller one acre lot size. Chris Henkel asked if there were plans for any future expansion and Mr. Kitzman replied that he had tried to purchase the eight acres to the back, but it was not for sale. James Book asked if flooding was an issue and Mr. Kitzman replied that it possibly was on lot two. Mr. Book also inquired if the area was a wetland and Mr. Kitzman stated it was not.

